IV. GOVERNMENT BILLS.

(1) THE MADRAS JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) BILL, 1960 (L.A. BILL NO. 12 OF 1960)

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, [a] 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

Sir, this measure was already before the Joint Select Committee, and the Joint Select Committee scrutinized it and then made some useful changes also, particularly with reference to second offences, because it is possible for any newspaper or any person to go on publishing things and perhaps pay the fine which may be imposed by the courts. Therefore, it was thought by the Joint Select Committee that in respect of the second offence, there should be a compulsory period of imprisonment. That has been incorporated in the Bill. This has been accepted by the Assembly also. This is the main change made in the Bill.

I hope the House will accept the Bill.

MR. CHAIRMAN: Motion moved—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

SRI K. BALASUBRAMANYA AYYAR: Sir, we welcome this Bill. Also at the time when it was introduced, we welcomed it. The Joint Select Committee has carefully gone into the various provisions of the Bill. One change has been made, and that is a very good change. For a second contravention of the provisions, the fine may be extended and imprisonment for six months also can be imposed. Sections 99-A to 99-D of the Code of Criminal Procedure, 1898, deal with seditious matter being published. I do not know whether this is outmoded. I feel that seditious matter is no longer such a vital matter. I think this matter will be considered by the Government.

As regards the amendment to sections 99-A, 99-B and 99-D, I have nothing to say against it. But what I would like to point out is that the amendment is to sections which may not be of much value at the present time. However strongly we criticise the Government, there is no seditious matter at all. We may go on criticising the present Government.

THE HON. SRI C. SUBRAMANIAM: Because it is self-criticism.

SRI K. BALASUBRAMANYA AYYAR: That section is entirely an outmoded section now. In those old days they attached great importance to that section. Therefore they said that a Special Bench composed of three Judges should be constituted.

Section 99-C says, 'Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges'. Section 99-A says:—

"Where—

(*a*) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or

(*b*) any document,

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[a] Printed as Appendix II on pages 63–66 infra.

wherever printed, appears to the State Government to contain any seditious matter or any matter which promotes or is intended to promote feelings of enmity or hatred between different classes of the citizens of India or which is deliberately and maliciously intended to outrage the religious feelings of any such class by insulting the religion or the religious beliefs of that class, that is to say, any matter the publication of which is punishable under section 124-A or section 153-A or section 295-A of the Indian Penal Code, the State Government may, by notification in the official gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to Government, and thereupon any police officer may seize the same wherever found in India and any Magistrate may by warrant authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be."

Section 98-B says—

"Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been made under section 99-A, may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain any seditious or other matter of such a nature as is referred to in sub-section (1) of section 99-A."

Therefore it is that I say this section is outmoded.

Sri MOHAMED RAZA KHAN: Mr. Chairman, I am yet to be convinced whether there is any necessity for a legislation of this kind. The Hon. the Minister for Finance will take shelter under the

3-20 p.m.

plea, 'After all, the Bill was referred to a Select Committee and the other House has passed it'. It is not that. It is a question of this House also being consulted. I know, Sir, whenever a case like rape or some such thing is tried, it creates some interest and the people want to see the proceedings. But even in such cases, the procedure is that the presiding judge should clear the court of the public and the Press so that evidence could be taken without anybody coming to know anything of it. The judge himself feels that certain difficult questions may have to be put and answers got which may not be in public interest if published in newspapers. If the Hon. the Minister for Finance does not intervene and say that these things should not be brought in at this stage, I wish to say one thing. He has not made out a case that such cases are reported in too many journals.

Sri K. BALASUBRAMANYA AYYAR: Special journals are issued sometimes.

Sri MOHAMED RAZA KHAN: I think, possibly the Deputy Leader of the Opposition himself gave the inspiration to the Hon. the Minister for Finance. (Laughter.)

6th September 1960] [Sri Mohamed Raza Khan]

Secondly, Sir, the object of examination is to get some information helpful to the case and in cases like rape, etc., lawyers whichever side they represent, are not allowed to put questions which may be regarded as objectionable.

The next thing is, it is quite easy to pass a legislation like this. But how to enforce it? We know that the Beedi Industries Act was passed long ago and we also know that the Hon. the Minister for Industries could not enforce its provisions successfully because of the obvious difficulty that there is no corresponding Act in force in the neighbouring States. As far as Madras newspapers are concerned, there are many which serve not only the people in Madras but those outside also. What will happen is, when they have correspondents in other States, they will publish proceedings of courts in other States in our State also. Will they come within the purview of this Bill? There are two significant observations made by the Chairman of the Select Committee—I think the Hon. the Minister for Finance was the Chairman of that Committee—in the Committee's report. One is:

"It should also be presumed that judges would write their judgments with great restraint especially in regard to obscene matters."

I do not understand the implication of these remarks. Again he observed:

"The judges would write out their judgments in such a way that they would not be objectionable."

When I went through the proceedings of the Select Committee, I was not able to understand these two observations. It is quite all right that the Government are trying to prevent such things. But at this rate, we cannot go on passing one legislation after another. Such things are better left to be decided by public opinion. Publication of such things meets the desire of only a fraction of our people. With our tradition and our culture, people are not interested in these things. They do not want to know what has happened in the court and what sorts of questions were put and answers given. If we go on bringing in legislation after legislation for these things, there will be too many laws on the Statute Book and many of them will remain without being enforced.

* SRI M. ETHIRAJALU: கனம் தலைவர் அவர்களே, இந்த மசோதாவைக் கொண்டுவந்துள்ள கனம் அமைச்சரை நான் பாராட்டுகிறேன். தமிழர்களின் பண்பாட்டிற்கும், ஒழுக்கத்திற்கும், முன்னேற்றத்திற்கும் அனுகூலமாக இருக்கும் இந்த மசோதா மிகவும் பாராட்டத்தக்கது. இந்த மசோதாவை இப்படிக் கொண்டுவராவிட்டால், பொது வாழ்வில் ஈடுபட்டிருக்கும் பெரியோர்களுக்கு இந்த சர்க்கார் நல்ல பாதுகாப்புக் கொடுக்கவில்லை என்று எதிர்காலத்தில் சொல்வார்கள் என்பதில் சிறிதளவும் சந்தேகமில்லை. சில விஷயங்களைப் பத்திரிகைகளில் பிரசுரிப்பது, சில கார்ட்டூன்கள் போட்டு மற்றவர்களை விகாரப்படுத்தி அந்த கார்டூன்களைப் பிரசுரிப்பது முதலியவைகளை சட்ட மூலமாகக் கட்டுப்படுத்த இந்த மசோதா உதவினாலும், இதையெல்லாம்விட இன்னொரு

[Sri M. Ethirajalu] [6th September 1960

முக்கியமான விஷயத்தை நாம் கவனிக்க வேண்டும். படித்தவர்கள்தான் பத்திரிகைகளையும் சில கார்டூன்களையும் வேறு சில விஷயங்களையும் பார்க்கிறார்கள் என்றால், படிக்காத லட்சக்கணக்கான மக்கள் சினிமாவில் வரும் மிக மோசமான காட்சிகளைப் பார்க்கிறார்கள். அதற்கும் நாம் உடனடி சட்டம் கொண்டுவரவேண்டும். பத்திரிகைகளில் காணப்படுவதைவிட மோசமான காட்சிகள் சினிமாவில் வந்த வண்ணம் இருக்கின்றன. பத்திரிகைகளில் எழுதப்படுவதைவிடக் கேவலமாக சினிமாவில் பேசுகிறார்கள். தமிழர்களின் பண்பாட்டுக்கே குறைவான, கீழ்த்தரமான காட்சிகள் சினிமாவில் வந்த வண்ணம் இருக்கின்றன. அவைகளைத் தடை செய்ய வேண்டுமென்று நான் கனம் அமைச்சரைக் கேட்டுக்கொள்கிறேன். பத்திரிகைகளில் வரும் சில விஷயங்கள் படித்தவர்களுக்கு மட்டிலும்தான் தெரியும். லட்சக்கணக்கான படிக்காத மக்கள் சினிமாவில் வரும் சில காட்சிகளைப் பார்ப்பதனால் அவர்களுடைய பண்பாடே மோசமாகிப் போய்க் கொண்டிருப்பதை நாம் பார்க்கிறோம். இவ்வாறு சினிமாவினால் மக்கள் கெடுவதைத் தடுப்பதற்கும் வகை செய்ய வேண்டும் என்பதைக் கனம் அமைச்சரின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். அதற்கு இப்போது வகை செய்யாவிட்டாலும் எதிர்காலத்திலாவது வகை செய்ய வேண்டியது மிக மிக அவசியம். ஒருவரைப்பற்றி மற்றொருவர் உண்மைக்குப் புறம்பாக பேசுவதையும் எழுதுவதையும் தடை செய்வதை விட . . .

MR. CHAIRMAN: It is not in this Bill.

SRI M. ETHIRAJALU: அதைவிட, சினிமாவில் வரக்கூடிய சில காட்சிகளைத் தடைசெய்ய வேண்டியது மிகவும் முக்கியம் என்று கருதுகிறேன். எதிர்காலத்தில் அதற்கு சட்டம் செய்ய வேண்டுமென்று சர்க்காரைக் கேட்டுக்கொண்டு என் வார்த்தையை முடித்துக்கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM: Sir, with regard to the first point raised by the Whip of the Opposition, the Deputy Leader of the Opposition himself has answered it. But, Mr. Raza Khan evidently is not conversant with the Tamil magazines and Tamil newspapers. If he had any occasion to go through them, he would find that in the guise of publishing court proceedings, all sorts of obscene and scurrilous matters are published in newspapers and magazines. It is to put a stop to that that this Bill has been brought in. Some newspapers, whether they have correspondents or not for the Legislative Assembly and the Legislative Council, have got their own correspondents to cover cases relating to matrimony and other such things in courts. Therefore, it is absolutely necessary to stop publication of such obscene and scurrilous matters.

Mr. Raza Khan referred to my remarks regarding restraint in writing out judgments. I was not anticipating, when I made those remarks in the Committee, any judgment to come later on (laughter.) The question arose whether judgments also should be prohibited from being published in newspapers. In that connection I said that after

all, the judges dealing with the case would snow sufficient restraint in writing out the judgments so that there would be no necessity to prohibit publication of judgments. Therefore, I submit that this Bill may be accepted.

MR. CHAIRMAN: The question is—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken intc consideration.

Clauses 2 to 8 were put and carried.

The schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: The question is—

'That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(2) THE INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (MADRAS AMENDMENT) BILL, 1960 (L.A. BILL NO. 7 OF 1960).

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I beg to move: 3–30 p.m.

'That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, [a] 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

Sir, the Bill which we just now passed and this Bill are complementary to each other. This Bill seeks to amend the Indian Penal Code to provide for the prevention of publication of obscene and scurrilous matter in the various papers and the magazines. It is no doubt true that in all these matters it is public opinion that should be the ultimate restraint. But unfortunately sometimes public opinion does no exert itself properly. Therefore, it has become necessary to have laws to prohibit these things. Therefore it is that we thought it necessary to have a legislation of this sort. As I have already indicated, at the time when this Bill was considered at the initial stages, there was the Press Objectionable Matter Bill. But unfortunately it is not in force now. Therefore we could not deal with the offenders in an effective manner. That is why this Bill was brought. The Joint Select Committee which considered this Bill recommended that the second offender should be dealt with in a more severe manner. Therefore they have provided a minimum punishment of imprisonment for a period of six months. I therefore request that this Bill may also be accepted by the Council.

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[a] Printed as Appendix III on pages 66–69 infra.